

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-13) in the reply filed on 04/25/08 is acknowledged. The traversal is on the ground(s) that claims 15, 17 and 18 were not included in any group listing in the restriction, and they should be included in the grouping of claims 1-13. This is not found persuasive because these claims depend from independent claims 14 and 16 respectively, because it was assumed that these claims depends from their respective independent claims and therefore would have been examined upon election of its group. Claims 14-18 were not grouped together with group 1 because they are a subcombination of group 1, and groups 2 and 3 feature different elements not recited in the elected group 1. The requirement is still deemed proper and is therefore made **FINAL**.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract contains legal phraseology (e.g. comprises) and such language should be avoided. Correction is required. See MPEP § 608.01(b).

3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 5-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the applicant intends to say by "greater than that." It is unclear what are the meets and bounds of the claim.

- Claims 11 and 13 recites the limitation "upper opening." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weissman (4,260,383).

Weissman discloses a body with a predetermined length (figs. 1-3) and a drill insertion hole 26, 28 bored through the body from a top surface to a bottom surface thereof, wherein the body includes a support portion 12 with a predetermined thickness and a sectional area greater than the body, the support portion being formed on the top surface of the body (fig. 2) and on the bottom surface of the body and protruding in opposite directions by a predetermined length (fig. 1); and includes stepped portion recessed on the lower edges of the body (fig. 1); and the opening of the drill insertion hole is shifted (zero shift) from the center and inclined at predetermined angle (zero degree angle).

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Di Sario (5,769,636).

Di Sario discloses a guide 203 (fig. 15) having a body with a predetermined length and a drill insertion hole bored through the body from a top surface to a bottom surface thereof, wherein the body includes a support portion 205 with a predetermined thickness and a sectional area greater than the body, the support portion being formed on the top surface of the body.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman as applied to claim 1 above, and further in view of Johnson (4,718,413).

Weissman discloses the invention substantially as claimed except for the opening is rectangular having rounded sides or corners.

Weissman teaches the guide having rectangular opening having rounded sides (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Weissman by providing Johnson's rectangular opening having rounded sides in order to drill a rectangular hole.

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Sario as applied to claim 1 above, and further in view of Elliott (2005/0149045).

Di Sario discloses the invention substantially as claimed except for an extended portion.

Elliott teaches an extended portion 38 to the guide (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Di Sario by providing an extended portion as taught by Elliott in order to reach to the desired area for drilling a hole.

9. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Sario as applied to claim 1 above, and further in view of Ralph et al. (Pub. 2003/0083667).

Di Sario discloses the invention substantially as claimed except for the insertion hole area increasing and opening of the drill insertion hole is narrowing downward.

Ralph teaches a drill guide having a wider and narrower insertion hole (fig. 1a and 3a). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Di Sario by providing a hole guide having a wider and narrower insertion hole for guide as taught by Ralph in order to drill a hole to accommodate for shape of implant or drill bits or other structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH PATEL whose telephone number is (571)270-3646. The examiner can normally be reached on 8:00 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. P./  
Examiner, Art Unit 3732

/Cris L. Rodriguez/  
Supervisory Patent Examiner, Art Unit 3732